

1 William Silverstein  
2 3540 Wilshire Blvd. Suite 1205  
3 Los Angeles, CA  
4 (213) 632-5297

5 biotrust@sorehands.com  
6 Pro Se Plaintiff

7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA

9 WILLIAM SILVERSTEIN  
10 Plaintiff,

11 v.

12 BIO TRUST NUTRITION LLC,  
13 et al.

14 Defendant(s).

Case No.: 2:13-CV-07343-RGK (Ex) 29

DECLARATION OF WILLIAM  
SILVERSTEIN IN RESPONSE TO THE  
COURT'S OSC:RE DISMISSAL DATED  
OCTOBER 10, 2013

Date: Friday, October 18, 2013  
Place: Courtroom 850

Honorable R. Gary Klausner

16 I, William Silverstein, declare:


- 17 1. I am over eighteen years of age and am competent to testify. The following facts  
18 are based on my own personal knowledge. If called as a witness in these  
19 proceedings, I could and would so testify competently under oath.
- 20 2. I make this declaration in response to the Court's October 10, 2013 OSC:RE  
21 Dismissal.
- 22 3. Michael Persaud was personally served on August 7, 2013.
- 23 4. On September 10, 2013, I had filed a request for entry of default with Los Angeles  
24 Superior Court.
- 25 5. The aforementioned request for default was entered by the state court. Exhibit A is  
26 a true and accurate copy of the conformed Request For Entry of Default indicated  
27 that the default was entered as requested.  
28

- 1 6. Exhibit B is a true and accurate copy of the Los Angeles Superior Court's web site  
2 case summary page indicating that the requested default was entered prior to  
3 Defendant removing this case to this Court.  
4

5  
6 **VERIFICATION**

7 I declare under penalty of perjury under the laws of the United States of America  
8 that the foregoing is true and correct.  
9

10 Executed October 13, 2013

11  
12   
13 William Silverstein  
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# EXHIBIT A

# EXHIBIT A

CIV-100

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>William Silverstein</b>  3540 Wilshire Blvd; Suite 1205 Los Angeles, CA 90010 TELEPHONE NO.: (213) 632-5297 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>William Silverstein</b>		FOR COURT USE ONLY  <b>CONFORMED COPY</b> ORIGINAL FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES  <b>SEP 10 2013</b>  John A. Clarke, Executive Officer/Clerk BY <u>A. Pergler</u> , Deputy  CASE NUMBER: <b>BC517126</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: <b>111 North Hill Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>Los Angeles, CA 90012</b> BRANCH NAME: <b>Central District -- Stanley Mosk Courthouse</b>		
PLAINTIFF/PETITIONER: <b>William Silverstein</b> DEFENDANT/RESPONDENT: <b>Alivemax, et. all</b>		
REQUEST FOR (Application) <input checked="" type="checkbox"/> <b>Entry of Default</b> <input type="checkbox"/> <b>Clerk's Judgment</b> <input type="checkbox"/> <b>Court Judgment</b>		

1. TO THE CLERK: On the complaint or cross-complaint filed
- on (date): **August 5, 1013**
  - by (name): **William Silverstein**
  - ☒ Enter default of defendant (names): **Michael Persaud**

- d. ☐ I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names):

(Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)

- e. ☐ Enter clerk's judgment

- (1) ☐ for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)  
☐ Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The Prejudgment Claim of Right to Possession was served in compliance with Code of Civil Procedure section 415.46.

- (2) ☐ under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)

- (3) ☐ for default previously entered on (date):

2. Judgment to be entered.	Amount	Credits acknowledged	Balance
a. Demand of complaint .....	\$	\$	\$
b. Statement of damages *			
(1) Special .....	\$	\$	\$
(2) General .....	\$	\$	\$
c. Interest .....	\$	\$	\$
d. Costs (see reverse) .....	\$	\$	\$
e. Attorney fees .....	\$	\$	\$
f. TOTALS .....	\$	\$	\$

- g. Daily damages were demanded in complaint at the rate of: \$ \_\_\_\_\_ per day beginning (date): \_\_\_\_\_  
 (\* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)

3. ☐ (Check if filed in an unlawful detainer case) Legal document assistant or unlawful detainer assistant information is on the reverse (complete item 4).

Date: **September 9, 2013**  
**William Silverstein**

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

FOR COURT USE ONLY	(1) <input checked="" type="checkbox"/> Default entered as requested on (date):	<b>SEP 10 2013</b> <b>John A. Clarke</b> <b>A. Pergler</b> , Deputy
	(2) <input type="checkbox"/> Default NOT entered as requested (state reason):	
Clerk, by _____		Deputy



CIV-100

PLAINTIFF/PETITIONER: William Silverstein	CASE NUMBER:
DEFENDANT/RESPONDENT: Alivemax, et. all	BC517126

4. Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.). A legal document assistant or unlawful detainer assistant ☐ did ☐ did not for compensation give advice or assistance with this form.  
(If declarant has received any help or advice for pay from a legal document assistant or unlawful detainer assistant, state):

- a. Assistant's name: c. Telephone no.:  
b. Street address, city, and zip code: d. County of registration:  
e. Registration no.:  
f. Expires on (date):

5. ☒ Declaration under Code of Civil Procedure Section 585.5 (required for entry of default under Code Civ. Proc., § 585(a)).  
This action

- a. ☐ is ☒ is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).  
b. ☐ is ☒ is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).  
c. ☐ is ☒ is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. Declaration of mailing (Code Civ. Proc., § 587). A copy of this Request for Entry of Default was

- a. ☐ not mailed to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (names):  
b. ☐ mailed first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:  
(1) Mailed on (date): September 10, 2013

(2) To (specify names and addresses shown on the envelopes):  
Michael Persaud  
969 Market St.  
San Diego, CA 92101

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.  
Date: September 10, 2013

Michelle Valle

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

7. Memorandum of costs (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

- a. Clerk's filing fees ..... \$  
b. Process server's fees ..... \$  
c. Other (specify): Attorney Costs ..... \$  
d. Expert witness fees ..... \$  
e. TOTAL ..... \$  
f. ☐ Costs and disbursements are waived.

9. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

8. ☒ Declaration of nonmilitary status (required for a judgment). No defendant named in item 1c of the application is in the military service so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: September 9, 2013

William Silverstein

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

<b>ATTORNEY OR PARTY WITHOUT ATTORNEY:</b> William Silverstein 3540 Wilshire Blvd. Suite 1205 Los Angeles, CA 90010  <b>TELEPHONE NO.:</b> (213) 632-5297  <b>ATTORNEY FOR:</b> Plaintiff In Pro Per	<b>FOR COURT USE ONLY</b>  <b>CONFORMED COPY</b> <b>ORIGINAL FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES  <b>SEP 10 2013</b>  John A. Clarke, Executive Officer/Clerk BY <u>A. Perrier</u> Deputy
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>  <b>STREET ADDRESS:</b> 111 N. Hill St. <b>MAILING ADDRESS:</b> 111 N. Hill St. <b>CITY AND ZIP CODE:</b> Los Angeles, 90012 <b>BRANCH NAME:</b> Central District Stanley Mosk Courthouse	
<b>PLAINTIFF:</b> William Silverstein <b>DEFENDANT:</b> Bio Trust Nutrition LLC, Intelligent Beauty, Inc., DermStore Inc., Joel Marion, Michael Persaud, and DOES 1-50 inclusive	<b>CASE NUMBER:</b> BC517126
<b>PROOF OF SERVICE OF SUMMONS</b>	<b>Ref. No. or File No.:</b>

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - f. other (specify documents):  
 Civil Case Cover Sheet, Summons (form SUM-100), Verified Complaint and Exhibit A,, Notice of Case Assignment, Voluntary Efficient Litigation Stipulations, Stipulation - Early Organizational Meeting, Stipulation - Discovery Resolution, Informal Discovery Conference and Stipulation and Order - Motions in Limine
3. a. **Party served:**  
 Michael Persaud
4. **Address where the party was served:**  
 Strata Luxury Apartments - Lobby, 969 Market St., San Diego, CA 92101
5. I served the party
  - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party on 8/7/2013 at 9:48 am
6. The "Notice to the Person Served" (on the summons) was completed as follows:
  - a. as an individual defendant.
7. **Person who served papers**
  - a. **Name:** Michael Narey  
 Firm: San Diego Legal and Process Services
  - b. **Address:** PO BOX 124588, San Diego, CA 92112-4588
  - c. **Telephone number:** (619) 797-6577
  - d. **The fee for the service was:** \$59.00
  - e. I am:
    - (3) a registered California process server:
      - (i) owner
      - (ii) Registration No.: Process Server # 1794
      - (iii) County: San Diego County

PLAINTIFF: William Silverstein DEFENDANT: Bio Trust Nutrition LLC, Intelligent Beauty, Inc., DermStore Inc., Joel Marion, Michael Persaud, and DOES 1-50 inclusive	CASE NUMBER: BC517126
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8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 8/7/2013

Michael Narey

(NAME OF PERSON WHO SERVED PAPERS)

  
(SIGNATURE)

# EXHIBIT B

# EXHIBIT B





General Information

Online Services

Tools for Litigators

Complex Court

Collections Court

Limited Civil Court

Personal Injury Court

Unlawful Detainer Court

Get Help

Civil Forms

Civil Fees

Civil Locations

Court Rules

## Case Summary

PRINT

Please make a note of the Case Number.

Click here to access document images for this case.

If this link fails, you may go to the Case Document Images site and search using the case number displayed on this page.

**Case Number:** BC517126

WILLIAM SILVERSTEIN VS BIO TRUST NUTRITION LLC ET AL

**Filing Date:** 08/05/2013

**Case Type:** Other Commercial/Business Tort (General Jurisdiction)

**Status:** Pending

Future Hearings

01/16/2014 at 01:30 pm in department 16 at 111 North Hill Street, Los Angeles, CA 90012

Non-Appearance (Case Review)(RE: REMOVAL TO FEDERAL COURT)

### Documents Filed | Proceeding Information

#### Parties

BIO TRUST NUTRITION LLC - Defendant/Respondent

DERMSTORE INC. - Defendant/Respondent

DOES 1 - 50 - Defendant/Respondent

INTELLIGENT BEAUTY INC. - Defendant/Respondent

MARION JOEL - Defendant/Respondent

NEWMAN DU WORS LLP - Attorney for Deft/Respnt

PERSAUD MICHAEL - Defendant/Respondent

SILVERSTEIN WILLIAM - Plaintiff & Plaintiff In Pro Per

### Case Information | Party Information | Proceeding Information

Please make a note of the Case Number.

Click here to access document images for this case.

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Documents Filed (Filing dates listed in descending order)

**10/04/2013** Ntc of Removal to Federal Court

Filed by Attorney for Deft/Respnt

**09/23/2013** OSC-RE Other (Miscellaneous)

Filed by Clerk

**09/23/2013** Notice-Case Management Conference

Filed by Clerk

**09/10/2013** Proof-Service/Summons

Filed by Plaintiff & Plaintiff in Pro Per

**09/10/2013** Default Entered (MICHAEL PERSUAD )

Filed by Attorney for Pltff/Petnr

09/10/2013 Proof of Service (SUMMONS, COMPLAINT MICHAEL PERSAUD )  
Filed by Attorney for Pltff/Petnr

09/10/2013 Partial Dismissal (with Prejudice)  
Filed by Attorney for Pltff/Petnr

08/05/2013 Complaint

[Case Information](#) | [Party Information](#) | [Documents Filed](#)

Proceedings Held (Proceeding dates listed in descending order)

10/11/2013 at 01:30 pm in Department 16, Rita Miller, Presiding  
Further Proceedings - **Completed**

[Case Information](#) | [Party Information](#) | [Documents Filed](#) | [Proceeding Information](#)

[Community Outreach](#)   [Volunteers, Interns & Externs](#)   [Employment](#)

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PROOF OF SERVICE

STATE OF CALIFORNIA, )  
COUNTY OF LOS ANGELES )

I am a resident of the County of Los Angeles, State of California and I am over the age of 18 and not a party to the within action. My work address is 1055 Wilshire Blvd, Suite 1475, Los Angeles, CA.

On October 15, 2013, I served the foregoing document(s) entitled:

**DECLARATION OF WILLIAM SILVERSTEIN IN RESPONSE TO THE COURT'S OSC:RE  
DISMISSAL DATED OCTOBER 10, 2013.**

on the interested parties in this action by placing a true and correct copy of such document(s) in a sealed envelope(s) addressed as follows:

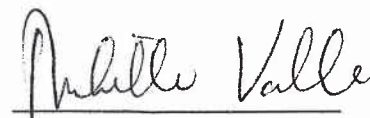
John DuWors, Esq.  
Newman DuWors LLP  
1201 Third Avenue, Suite 1600  
Seattle, WA 98101

(the "Addressee") and serving such document(s) as follows:

X REGULAR MAIL. On the service date set forth hereinabove in the County of Los Angeles, I deposited such envelope(s) with postage thereon fully prepaid in the United States mail.

Executed on October 15, 2013, at Los Angeles, California.

I declare under penalty of perjury of the laws of the United States that the above is true and correct.



Michelle Valle